



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,966	07/19/2001	Christopher McCormick	ELT-002 (6281/6)	6828
21323	7590	02/08/2006	EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP			SUHOL, DMITRY	
HIGH STREET TOWER			ART UNIT	
125 HIGH STREET			PAPER NUMBER	
BOSTON, MA 02110			3714	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/908,966	MCCORMICK ET AL.	
	Examiner	Art Unit	
	Dmitry Suhol	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 05 January 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The 312 amendment made of record 1/5/2005 appears to make identical changes to the claims covered by examiners amendment dated 1/12/2005. Therefore in order to avoid confusion since the changes to the claims are identical to ones made by examiner the 312 amendment is not approved.

D. Suhol
D. Suhol